

FORM PTO-1390 (Modified) (REV 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER GKS-102.0 (7911/86349)	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 10/049988	
INTERNATIONAL APPLICATION NO. PCT/EP00/08129		INTERNATIONAL FILING DATE 21 August 2000		PRIORITY DATE CLAIMED 20 August 1999	
TITLE OF INVENTION NUCLEIC ACID MOLECULE COMPRISING A NUCLEIC ACID SEQUENCE WHICH CODES FOR A HAEMOCYANIN, AND COMPRISING AT LEAST ONE INTRON SEQUENCE					
APPLICANT(S) FOR DO/EO/US Biosyn Arzneimittel GMBH					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). 					
Items 13 to 20 below concern document(s) or information included:					
<ol style="list-style-type: none"> 13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input checked="" type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A change of power of attorney and/or address letter. 19. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 22. <input checked="" type="checkbox"/> Certificate of Mailing by Express Mail 23. <input checked="" type="checkbox"/> Other items or information: 					
Statement under 37 CFR 1.821(f)					

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.101) 10/049988		INTERNATIONAL APPLICATION NO. PCT/EP00/08129		ATTORNEY'S DOCKET NUMBER GKS-102.0 (7911/86349)	
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24. The following fees are submitted:				CALCULATIONS PTO USE ONLY																					
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00																									
ENTER APPROPRIATE BASIC FEE AMOUNT =																									
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30				\$890.00																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 25%;">NUMBER FILED</th> <th style="width: 25%;">NUMBER EXTRA</th> <th style="width: 35%;">RATE</th> </tr> <tr> <td>Total claims</td> <td>48 - 20 =</td> <td>28</td> <td>x \$18.00</td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td>0</td> <td>x \$84.00</td> </tr> <tr> <td colspan="3">Multiple Dependent Claims (check if applicable).</td> <td><input type="checkbox"/></td> </tr> <tr> <td colspan="3" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS</td> <td>=</td> </tr> </table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	48 - 20 =	28	x \$18.00	Independent claims	3 - 3 =	0	x \$84.00	Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	TOTAL OF ABOVE CALCULATIONS			=	\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																						
Total claims	48 - 20 =	28	x \$18.00																						
Independent claims	3 - 3 =	0	x \$84.00																						
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>																						
TOTAL OF ABOVE CALCULATIONS			=																						
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				\$504.00																					
SUBTOTAL				=																					
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$0.00																					
TOTAL NATIONAL FEE				=																					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				\$0.00																					
TOTAL FEES ENCLOSED				=																					
				Amount to be: refunded \$ charged \$																					

a. <input checked="" type="checkbox"/> A check in the amount of \$1,524.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0920 A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	
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NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Shannon L. Nebolsky Welsh & Katz, Ltd. 120 South Riverside Plaza Suite 2200 Chicago, Illinois 60606 US	<div style="text-align: center;"> </div> SIGNATURE Shannon L. Nebolsky NAME 41,217 REGISTRATION NUMBER February 19, 2002 DATE
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jürgen MARKL, et al.)
) Attorney Docket:
Serial No.: Not yet assigned)
) GKS-102.0
Filing Date: February 20, 2002) 7911/86349
)
For: NUCLEIC ACID MOLECULE)
)
) COMPRISING A NUCLEIC ACID)
) SEQUENCE WHICH CODES FOR A)
) HAEMOCYANIN, AND COMPRISING AT)
) LEAST ONE INTRON SEQUENCE)
) Group Art Unit:
) Not yet assigned
Examiner: Not yet assigned)

STATEMENT UNDER 37 CFR § 1.821(f)

Commissioner for Patents
Box PCT
Washington, D.C. 20231

Sir:

I hereby state that the enclosed computer readable form of the Sequence Listing (file: "seqlist-2.txt" in ASCII format copied onto the accompanying diskette from PatentIn Ver. 2.1 on this date) and the paper copy of the correct Sequence Listing (pages 1 through 88), forming a part of the disclosure of the invention filed herewith on this day are identical.

New § 371 Patent Application -2-
Jürgen MARKL, et al.

The paper copy and file seqlist-2.txt is the corrected sequence listing timely filed with the EPO on November 20, 2000.

Seqlist-1.txt does not contain all the sequences disclosed in the application that was first filed with the PCT (particularly, it does not contain the intron sequences and some of the coding sequences). Therefore, following an invitation from the Search Authority, a corrected sequence listing (English version is "seqlist-2.txt") was timely filed with the EPO on November 20, 2000. In the second sequence listing, which contained all the sequences disclosed in the application, an error in the "source" of SEQ ID NO: 90 was also corrected ("Haliotis assimilis" was replaced by "Haliotis tuberculata".)

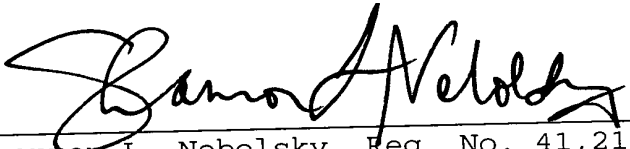
Please note that, although the second sequence listing was timely filed and intended to replace the one originally filed with the application, the PCT application was published with the first sequence listing ("seqlist-1.txt"). A copy of the PCT/EP00/02410 published sequence listing, "seqlist-1.txt", is also included on the enclosed diskette herewith is closely related to the previous application filed

New § 371 Patent Application -3-
Jürgen MARKL, et al.

by the same applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By 
Shannon L. Nebolsky, Reg. No. 41,217

Enclosures

Computer Readable Disk
Patent Application and Fee
Transmittal Letter
Fee Transmittal Sheet

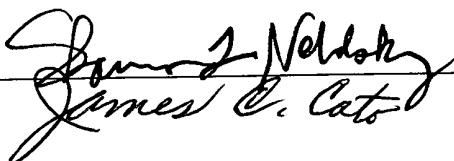
WELSH & KATZ, LTD.
120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
Phone (312) 655-1500
Fax No. (312) 655-1501

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this Statement, together with

New § 371 Patent Application -4-
Jürgen MARKL, et al.

a Computer readable disk, Transmittal Letter and its stated enclosures and Patent Application and Fee, are being deposited with the United States Postal Service as Express Mail Label No. EL 854693426 US postage prepaid, in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231 on February 20, 2002.


James E. Cato